

**REMARKS**

Reconsideration of the above referenced application is hereby requested. Claims 1-23 remain pending in the present application.

**35 U.S.C. § 112 Objections**

The Examiner has objected to Claims 1, 4, 5, 10-11, 13-14, 18 and 23 under 35 USC § 112. Applicant's Attorney has amended the claims to overcome said objections. The Examiner has also objected to claim 10 and 18 to the terms command receiving sensor and command transmitter. However, the specification of the present application is replete with discussions of command receivers and command transmitters, as are outlined in the claims. These commands, as set forth, may be IR command transmission or other communication, command signal transmission from the remote control, infrared receivers power line carrier technology, frequency receivers and power line controller communications. See for example, page 6, lines 5-9 ("Subsequent communication of commands between the user and the control module 20 through the remote control unit may be through standard infrared (IR) signal transmitter 17 which is received by the control module 20 through a infrared receiver 24."); page 6 lines 16-18 ("These settings may then be stored at each control module 20 by sending appropriate signals, IR command transmission or other communicative signal, to the module 20 for storing the setting in the modules memory for recall at later time"); page 9, lines 8-14 ("Thus, commands repeated by the repeater module 50, which are dictated by the user through the use of the remote control 15, will be transmitted throughout the system of the present invention and received by the individual control modules 20 as long as the control modules have the same address as the repeater module 50. The control circuitry 30

therefore allows the ability for programming of the control modules 20 individually or as a group through the use of the repeater module 50, which will transmit commands as carrier line signals receivable by the control circuitry 30 and interpreted therein by the microprocessor.”); page 3, lines 17-20; page 8 lines 2-8; for example. Many other teachings regarding command transmission and command receivers for the claimed system are found in the teachings of the application. The terms command receiving sensor and command transmitter are clearly understood given the teaching of the present specification and related to various methods of transmitting commands from the remote control to the various receivers on the control modules and repeater modules as disclosed. Applicant’s Attorney indicates that these terms have clear antecedent basis through the specification and that the Examiner’s objection to the terms are unfounded. Applicant’s Attorney respectfully requests that the Examiner remove said objections to claims 10 and 18.

Applicant’s Attorney further requests clarification regarding the objection to claim 13. It appears that Examiner objects to the clear language defining the control modules, remote control and repeater module. The Examiner has not indicated what is unclear about the claim. Applicant’s Attorney feels the claim is clear and requests the Examiner remove said objection.

#### 35 U.S.C. §103 Rejections

The Examiner has rejected Claims 1-5, 8, 9, 15-23 under 35 USC § 103(a) as being unpatentable over *Bansbach et al.* (DE 3719384) in view of *Mullaly et al.* (US Patent No. 6,567,032). Applicant’s Attorney respectfully traverses the Examiner under this ground of rejection.

The presently claimed invention is directed towards an individually visually selectable light track fixture system wherein the system has, among other things, an addressable repeater module in combination with an addressable track control module, both of which are remotely addressable and may receive commands directly from a remote control after visual selection. The claimed invention provides a mechanism for selecting, addressing and programming of a plurality of track fixture modules through the use of a hand held remote control unit such that the lamp control modules may be individually programmed or programmed in a group via the repeater module after visual selection. The claimed system of the present invention additionally allows for remotely setting the address for each of the plurality of control modules for later addressing by the repeater module. The lamp control modules therefore may be directly addressed and commanded by the remote control or may be addressed by the repeater module as is presently claimed.

There is further nothing in the prior art cited by the Examiner providing for an addressable track light system for track light modules in which pre-existing track light fixtures may be mounted in an addressable system and in which each track luminaire or lamp control module may be individually addressed by remote communication or through the use of a repeater module for commands. No reference cited by the Examiner teaches or suggests in combination a track control module which communicates with a remote control and a track repeater module, as claimed.

The Examiner has stated in the rejection of the above recited claims that *Bansbach* differs from the claimed invention only by not specifically teaching that the

light track fixture housing has a visual light receiving sensor and the housing can enter into a programming mode when activated by the visible light sensor.

In regards to the *Bansbach* reference, upon review of the references it is clear that the luminaire system for light sources which can be freely adjusted and controlled discloses the use of a hand held remote control 4, shown in Figure 2, which communicates by infrared to a control box 5 having a PCM decoder within an infrared receiver, shown in Figure 2. As is apparent, PCM decoder and infrared receiver 5 receives commands from the remote control unit and communicates such commands to the emitters 1 via a hardwired control line 8, the control line 8 being what appears to be an RS 232 control line with plug-in ports formed on the sides of each of the units as depicted in Figure 8. Thus, the remote control unit 4 communicates directly with the PCM decoder and IR receiver 5 and all of the luminaires are only directly controlled by the IR receiver 5 only through the control line 8. Control line 8 controls each of the emitters 1 all of which are combined to form groups to be adjustable and directly responsive to commands from the control line.

This limited control by PCM decoder and IR receiver 5 of all of the luminaires through the control line 8 is similar to the power line control mechanisms noted in Applicant's disclosure except that serial communication lines are utilized to send commands to the isolated luminaires.

To be controlled, power supplies 7 of each isolated luminaire must have manual switches 30 (shown in Figure 7) set to the appropriate switch settings for the hard wired control line 8 serial communication commands to be recognized.

It is further worth noting that in the *Bansbach* reference, there is no infrared receiver on each of the luminaires 1 or control boxes 2, nor is there an infrared or laser receiver within the light fixture itself, nor is there a repeater module in combination with the individual lighting units all having remote IR and visible light communication capabilities as is set forth in the various claims. The Examiner has indicted that each of the light fixtures has an infrared receiver, citing to Figure 1, 2: Figure 9, 5. However, it is apparent upon review of the schematic diagram and figures of the *Bansbach* reference that communication exists only between the remote control and the infrared receiver 5 which contains thereon a PCM decoder unit. This is shown in Figure 9 wherein the control line 8 is interposed between the PCM decoder 5, shown in the figure, as being separate from the luminaire, and the control boxes 2, shown in Figure 2, for each of the luminaires 1. Thus, the assertion made by the Examiner that *Bansbach* teaches an addressable light fixture which has an infrared receiver apparently misreads the actual teachings of the reference.

Finally, given the construction and electronic description of the *Bansbach* luminaire system, it is apparent that there are no instructions on the luminaire operable for receiving associated commands as is presently claimed since all of the commands are sent through a serial port by the PCM decoder and infrared receiver 5 which must then be hardwire connected by apparently an RS 232 connector directly to the luminaire control box 2. Each light therefore is responsive to control commands made by the PCM decoder and infrared receiver 5 in response to any instructions transmitted on control line 8 by the decoder matching the settings of the switches 30.

The lack of teaching in the *Bansbach* reference is not aided by any suggestion or disclosure within the *Mullaly* reference cited by the Examiner. Particularly, the Examiner has stated that *Mullaly* teaches control modules which can individually enter programming mode when activated by a visible light sensor, and has cited to Col. 4, lines 56-60. However, the *Mullaly* reference actually states that an “appliance” may be selected and that after selection may be responsive to subsequent RF signals. *Mullaly* is merely a light having an IR appliance command interface, as is shown, without the elements of the claimed addressable system for track light fixtures. This does not suggest or even remotely teach the ability to have instructions on a luminaire which allows separate addressing, enters programming mode for adjusting the brightness of the lamp upon reception of associated commands, *storing* data representative of the brightness of the lamp into memory and *recalling* the stored data when an infrared receiver receives associated commands as well as being operable to commands sent by a repeater module, the repeater module being in visual and IR communication with a remote control unit. The *Mullaly* reference merely indicates that a “appliance” may be *selected* and after selection may *respond* to subsequent commands. There is no discussion or citation by the Examiner as to where in the *Mullaly* reference the claimed subject matter regarding to instructions in programming are found.

Further, the Examiner’s assertion that it would be obvious to incorporate the receiver of *Mullaly* into a control module of an addressable system for light fixtures taught by *Bansbach* fails to teach or suggest all of the claimed limitations set forth, as noted above, and further glosses over the fact that *Bansbach* merely discloses a control line command system wherein emitters 1 must be controlled as a group through an serial

control line 8 after communication to a separate PCM decoder and infrared receiver 5, as is clearly shown in the *Bansbach* reference and disclosed in the figures thereof. Nothing in either of the references utilized by the Examiner in the above cited combination teaches or suggests all of the claim limitations included herewith, particularly a system allowing for track control modules which may communicate directly with the remote control or with the repeater module, as is presently claimed.

As many of the elements of the cited claims are not found in any of the references cited by the Examiner, Applicant's Attorney respectfully requests the Examiner remove said rejection. Further, since Claims 2-9 depend from Claim 1, 16 and 17 depend from claim 15 and 19-23 depend from claim 18, it is felt that these dependent claims are also allowable over the cited references as several of the elements presently claimed are not taught or remotely suggested in the cited references alone or in combination.

In regards to claims 6-7, independent claim 10 and claims 11-14, the Examiner has similarly relied upon the *Bansbach* reference in combination with the *Mullaly* in view of *Bryde*. Applicant similarly traverses the Examiner on such combination in that the teachings of the *Bansbach* reference significantly fail to disclose many aspects of the presently claimed programmable light fixture set forth in claims. Applicant's Attorney incorporates the discussions noted above with regards to the teachings of *Bansbach* and *Mullaly* and the lack of disclosure noted herein. This particularly relates to the claimed subject matter of each of the individual light fixtures in the system being programmable and having instructions thereon in order to enter into programming mode and adjust the power of the light fixture when the commands are received by the infrared receiver, the receiver and micro-processor incorporated within the programmable light fixture.

Disparate from the suggestion of teachings of *Bansbach* and *Mullaly* noted by the Examiner, several elements set forth in independent Claim 10 are not taught or suggested in either reference, alone or in combination and therefore Applicant's Attorney respectfully requests removal of said rejection. The *Bryde* reference does not aid in this lack of teaching in that *Bryde* merely discloses a dimming switch with has an IR receiver and is responsive to IR commands. This is no disclosure in any of the three references wherein a track system has a track control module which receives command instructions from either the remote control or the track repeater module, the repeater module in electrical and operable communication with the control modules. Applicant's Attorney respectfully request removal of said rejection.

As previously indicated, the primary reference relied upon repeatedly in the rejections, the *Bansbach* reference, fails to disclose significant aspects of the present invention in that it is directed towards the hard wired interconnection between the PCM decoder and infrared receiver 5, shown in the figures, and the control device 2 which controls each of the luminaires 1. The remote control, as is evident, directly communicates with the PCM decoder and infrared receiver unit 5, not with communication receivers on the luminaire. Nothing within the *Bansbach* reference discloses the combined addressable track luminaire presently claimed and Applicant's Attorney therefore respectfully requests the Examiner remove said rejections.

#### Double Patent Rejection

The Examiner has further provided a provisional double patenting rejection. Upon notice of allowable subject matter, Applicant's Attorney will provide a signed



terminal disclaimer as is necessary in order to overcome such none statutory double patenting rejection.

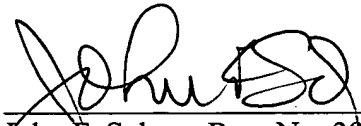
Applicant's Attorney notes the further references cited by the Examiner as being pertinent to the pending application and similarly notes that no further discussion or comment need be made regarding such disclosure.

Applicant's Attorney further notes the objection to the drawings made by the Examiner. The Examiner has indicted that "many different elements in the figures are currently represented by similar boxes and circles" but is not cited to which particular figures. Applicant's Attorney invites the Examiner to contact Applicant's Attorney to discuss such similar boxes and circles which were not identified by figures in the drawings objection in order that any necessary amendments or modifications of drawings may be made. Any further labeling changes to the drawings as required by the Examiner will be made.

For all the reasons noted herein, Applicant's Attorney respectfully requests that the Examiner remove said rejection. Applicant's Attorney feels that the presently pending and modified claims are definable over the references cited by the Examiner and respectfully requests the Examiner provide a Notice of Allowance on the pending application. If the Examiner feels that there are additional issues that must be resolved, Applicant's Attorney respectfully requests a collect call to discuss such issues.

Respectfully submitted,

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